

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

MELVIN GAMAGE

PLAINTIFF

V.

CIVIL ACTION NO.4:04CV115-WAP-JAD

HERMAN JONES, ET AL

DEFENDANTS

REPORT AND RECOMMENDATION

The court entered its order on January 6, 2006, revoking Gamage's *in forma pauperis* status due to his having received three strikes before the filing of this complaint. See Docket 50. Gamage was given until February 9, 2006, in which to pay the filing fee and warned that failure to pay the fee would result in dismissal of this action. He has not paid the filing fee.

The undersigned recommends that this action be dismissed without prejudice.

The parties are referred to 28 U.S.C. 636(b)(1) and Local Rule 72.2(D) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten days of this date. Failure to file written objections to the proposed finding and recommendations contained in this report within ten days from the date of filing will bar an aggrieved party from challenging on appeal both the proposed factual findings and the proposed legal conclusions accepted by the district court *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Plaintiff is directed to acknowledge receipt of this report and recommendation by signing the enclosed acknowledgment form and returning it to the court within ten days of this date. Plaintiff is warned that failure to comply with the requirements of this paragraph may lead to the dismissal

of this lawsuit under F.R.Civ.P. 41(b) for failure to prosecute and for failure to comply with an order of the court.

THIS the 15<sup>th</sup> day of March, 2006.

/s/ JERRY A. DAVIS  
UNITED STATES MAGISTRATE JUDGE